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**DOCKET FOR REGULAR COUNCIL MEETING OF
MONDAY, MARCH 5, 2001 AT 2:00 P.M.
CITY ADMINISTRATION BUILDING
COUNCIL CHAMBERS - 12TH FLOOR
202 "C" STREET
SAN DIEGO, CA 92101**

ITEM-1: ROLL CALL.

ITEM-10: INVOCATION.

ITEM-20: PLEDGE OF ALLEGIANCE.

SPECIAL ORDERS OF BUSINESS

ITEM-30: Approval of Council Minutes.

TODAY'S ACTION IS:

Approval of Council Minutes for the meetings of:

2/12/2001
2/13/2001

SPECIAL ORDERS OF BUSINESS

ITEM-31: Caulerpa Taxifolia Awareness Day.

COUNCILMEMBER PETERS'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1193)

Recognizing the efforts of Project Pacific and proclaiming March 10, 2001 to be
“Caulerpa Taxifolia Awareness Day” in San Diego.

NON-AGENDA PUBLIC COMMENT

This portion of the agenda provides an opportunity for members of the public to address the Council on items of interest within the jurisdiction of the Council. (Comments relating to items on today's docket are to be taken at the time the item is heard.)

Time allotted to each speaker is determined by the Chair, however, comments are limited to no more than three (3) minutes **total per subject**, regardless of the number of those wishing to speak. Submit requests to speak to the Mayor or the City Clerk **prior** to the start of the meeting. Pursuant to the Brown Act, no discussion or action, other than a referral, shall be taken by Council on any issue brought forth under "Non-Agenda Public Comment."

COUNCIL COMMENT

REQUESTS FOR CONTINUANCE

The Council will now consider requests to continue specific items.

CONSENT ITEMS

The following listed items are considered to be routine, and the appropriate Environmental Impact Reports have been considered. These items are indicated on the docket by a preceding asterisk (*). In addition, other items thought to be routine or non-controversial and without any "Request to Speak" slips in opposition may be taken as part of the Consent Agenda.

PLEASE NOTE: ITEMS PULLED FROM THE CONSENT AGENDA (ITEMS 100-103) WILL BE DISCUSSED FOLLOWING ACTION ON THE ADOPTION AGENDA (ITEMS 200-209).

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:

None.

RESOLUTIONS TO BE ADOPTED:

Items 100, 101, 102, and 103.

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-100: Sewer and Water Group Job 79 - Easement Acquisitions.

(Greater North Park Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1155)

Authorizing the City Manager to purchase property rights of two sewer easements, as part of the Sewer and Water Group Job 79 Project, to replace old sewer lines and manholes within the Greater North Park Community;

Authorizing the expenditure of not to exceed \$15,000 as payment for said property rights and related labor, contingency and miscellaneous costs from Sewer Fund 41506, CIP-46-001.0 - Annual Allocation - Sewer Main Replacements;

Approving the acceptance by the City Manager of an Easement Deed from Derek Kingsley Evans and Patricia Ann Knecht, conveying to the City an easement over, under, upon, along and across a portion of Lot 16, Block H of Burlingame;

Approving the acceptance by the City Manager of an Easement Deed from Brewster L. Brock and Paula S. Brock, conveying to the City an easement over, under, upon, along and across a portion of Lot 17, Block H of Burlingame.

CITY MANAGER SUPPORTING INFORMATION:

City Council previously approved Sewer and Water Group Job 79. The project, which is currently under construction, is in the process of replacing old sewer lines and manholes within the Greater North Park Community. This action authorizes the City Manager's acceptance of two sewer easement deeds necessary for the completion of the project. The action also authorizes the expenditure of funds in the amount of \$15,000 for the acquisition of the property rights and related costs.

FISCAL IMPACT:

Funding in the amount of \$15,000 to cover the purchase of the property rights and related costs is available in Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacements for this purpose.

Herring/Griffith/SAC

Aud. Cert. 2100874.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

- * ITEM-101: The Country Club of Rancho Bernardo Day.

COUNCILMEMBER MAIENSCHIN'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1180)

Commending the Country Club of Rancho Bernardo for its outstanding service and commitment to the citizens of San Diego, and in honor of its significant contributions, proclaiming Saturday, February 24, 2001 to be "The Country Club of Rancho Bernardo Day" in San Diego.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

- * ITEM-102: Excusing Councilmember Byron Wear from the August 15 and October 23 and 24, 2000 Meetings of the San Diego City Council.

COUNCILMEMBER WEAR'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1148)

Excusing Councilmember Byron Wear from attending the regularly scheduled Council meetings of August 15 and October 23 and 24, 2000 due to his attendance to out-of-town City business relating to his duties as a City appointee to SANDAG/JANTOC.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

- * ITEM-103: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

(District-8.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-2001-1093)

Declaring a Continued State of Emergency regarding the discharge of raw sewage from Tijuana, Mexico.

ADOPTION AGENDA, DISCUSSION, HEARINGS

NOTICED HEARING:

ITEM-200: Two actions related to Southcrest Park Estates Phase II Maintenance Assessment District.

(Southcrest Community Area. Districts-4 and 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2001-929)

Considering the protests, approving the modified map, confirming the assessments, and ordering the proposed maintenance, in the matter of the Southcrest Park Estates II Maintenance Assessment District.

Subitem-B: (R-2001-930)

Approving the Fiscal Year 2002 Budget.

CITY MANAGER SUPPORTING INFORMATION:

This action establishes the Fiscal Year 2002 assessment for the Southcrest Park Estates Phase II Maintenance Assessment District (District). The District is located in the Southcrest Community situated east of Interstate 5 along the north side of Chollas Creek drainage channel between 35th Street and 38th Street and the south side of Chollas Creek drainage channel between 38th Street and 39th Street. The purpose of the District is to fund the maintenance of 1.39 acres of landscaped slope and irrigation adjacent to the Chollas Creek drainage channel.

The Fiscal Year 2002 proposed maintenance costs for the District are as follows:

<u>DESCRIPTION</u>	<u>FUND</u>			
	<u>OPERATIONS</u>	<u>RESERVE</u>		<u>TOTAL</u>
BEGINNING BALANCE	\$ 0.00	0.00	\$	0.00
 REVENUE:				
Assessments	\$ 27,680.00	0.00	\$	27,680.00

Interest	0.00	0.00	0.00
City Contribution	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
TOTAL REVENUE	\$ 27,680.00	\$ 0.00	\$ 27,680.00
 TRANSFER	 (3,105.00)	 3,105.00	 0.00
 EXPENSE:			
Personnel	\$ 3,222.00	\$ 0.00	\$ 3,222.00
Contractual	11,000.00	0.00	11,000.00
Incidental	5,973.00	0.00	5,973.00
Utilities	<u>4,380.00</u>	<u>0.00</u>	<u>4,380.00</u>
TOTAL EXPENSE	\$ 24,575.00	\$ 0.00	\$ 24,575.00
 ENDING BALANCE	 \$ 0.00	 \$ 3,105.00	 \$ 3,105.00

The proposed assessment for Fiscal Year 2002 is \$444.48 per Equivalent Benefit Unit (EBU), with a maximum assessment authorized of \$597.03 per EBU. The assessment may be indexed annually by the factor published in the San Diego CPI-U. The District contains a total of 62.28 EBU's.

FISCAL IMPACT:

All costs are assessed to the District. There is no net fiscal impact.

Loveland/McLatchy/SY

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

ORDINANCE INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:

ITEM-201: Carroll Canyon Business Park Rezoning.

(RZ-98-0978. Mira Mesa Community Plan Area. District-5.)

(Continued from the meetings of January 9, 2001, Item 53, and February 6, 2001, Item 334; last continued at the request of Councilmember Maienschein to allow the settlement conference with CEQA to go forward.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 12/12/2000. (Council voted 6-2. Councilmembers Peters, Wear, Atkins, Stevens, Maienschein, and Madaffer voted yea. Councilmembers Stallings and Mayor Murphy voted nay. District 8 vacant.):

(O-2001-80)

Rezoning 57.8 acres, located on the west and east side of Camino Ruiz along the

proposed alignment of Carroll Canyon Road, in the Mira Mesa Community Plan area, from the AR-1-1 Zone (previously referred to as the A1-10 and Hillside Review Overlay [HRO] Zones) to the IL-2-1 Zone (previously referred to as the M-1B and HRO Zones).

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS
ORDINANCE TO BE INTRODUCED:

ITEM-202: Amendments to San Diego Municipal Code, Chapter II, Article 4, by adding Division 16 entitled "Preservation of Benefit Plan".

RETIREMENT BOARD'S RECOMMENDATION:

Introduce the following ordinance:

(O-2001-126)

Introduction of an Ordinance amending Chapter II, Article 4, Divisions 1 and 10, of the San Diego Municipal Code by amending Sections 24.0103 and 24.1010; by adding Division 16 titled "Preservation of Benefit Plan" by adding Sections 24.1601, 24.1602, 24.1603, 24.1604, 24.1605, 24.1606, 24.1607, and 24.1608, all relating to the San Diego City Employees' Retirement System.

SUPPORTING INFORMATION:

San Diego City Employees' Retirement System ("Retirement System") is a tax qualified retirement plan that must meet the requirements of Section 415 of the Internal Revenue Code ("Code"). In certain cases, Section 415 of the Code prevents the Retirement System from paying fully earned benefits to Members of the Retirement System. The Small Business Job Protection Act of 1966 permits the City of San Diego to adopt a "Qualified Governmental Excess Benefit Arrangement" solely for the purpose of providing Members of the Retirement System the full amount of benefits that would otherwise be paid by the Retirement System but for the limits of Section 415.

The Retirement Board requests the Council of the City of San Diego to adopt a separate plan that meets the Provisions of the Code and thereby preserve benefits which cannot be paid from the Retirement System due to the limitations of Section 415 of the Code. The separate plan to be adopted for this purpose shall be known as the Preservation of Benefit Plan. It is now necessary and proper to amend the San Diego Municipal Code to adopt and set forth the terms, conditions and benefits for the Preservation of Benefit Plan. The Retirement Board has reviewed and approved the Preservation of Benefit Plan and recommends its adoption. A vote of the Retirement System's membership is not required by Charter Section 143.1.

FISCAL IMPACT:

None.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS
RESOLUTIONS:

ITEM-203: Approving the Plans and Specifications and Inviting Bids for the Construction of Sewer and Water Group 686.

(City Heights Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

Subitem-A: (R-2001-814)

Approving the plans and specifications for the furnishing of all labor, material, tools, equipment, transportation and other expense necessary or incidental and inviting bids for the Construction of Sewer and Water Group 686 on Work Order No. 174731/184091;

Authorizing the City Manager to execute a contract with the lowest responsible bidder;

Authorizing the expenditure of an amount not to exceed \$3,057,082 from Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for the expenditure are, or will be, on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves;

Authorizing the use of City Forces to temporarily cut and plug and make all live connections of the water main for a cost not to exceed \$147,000. (BID-K01053C)

Subitem-B: (R-2001-815)

Certifying that Mitigated Negative Declaration LDR-40-0479 has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and the State guidelines, that the declaration reflects the independent judgement of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by Council in connection with the approval of Sewer and Water Group 686;

Approving the Mitigated Negative Declaration;

Adopting the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project in order to mitigate or avoid significant effects on the environment.

CITY MANAGER SUPPORTING INFORMATION:

Sewer & Water Replacement Group 686 is part of the City of San Diego's continuing Annual Sewer and Water Main Replacement Program. This project is in the City Heights community area and consists of replacing approximately 16,292 feet (3.09 miles) of 6-inch and 8-inch sewer main, 5,597 feet (1.06 miles) of 6-inch water main, and 380 feet (0.07 miles) of 12-inch water main.

Also, this project includes the construction of 87 pedestrian ramps and slurry sealing of the impacted streets. The streets within this project which will be affected by construction operations are: Poplar Street, Pepper Street, Violet Street, Tuberosa Street, Snowdrop Street, Dahlia Street, Columbine Street, Poppy Place, Manzanita Drive, Wightman Avenue and numerous alleys in this vicinity. Residents will be notified by mail at least one month before construction begins by the City and again 10 days before construction begins by the contractor through hand distribution.

FISCAL IMPACT:

The total estimated cost of this project is \$4,289,742. Funds of \$3,057,082 are available in Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement and \$1,232,660 in Water Fund 41500, CIP-73-083.0, Annual Allocation - Water Main Replacement for this purpose. Included in the total estimate is \$147,000 for City Forces to make temporary cuts and plugs, connections, and perform operational checks.

Loveland/Boekamp/HR

WWF-01-489.

**ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS
RESOLUTIONS:**

ITEM-204: Joint City/County Homeless Task Force Resolution.

(See City Manager Report CMR-01-037.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1124)

Declaring that the City of San Diego will:

- 1)Continue to move forward on the existing collaborative programs addressing homelessness which include: Special Needs Homeless; AB2034 (Integrated Services); Winter Shelter and Voucher; Year Round Short Term Transitional Housing for Families; Cityworks; and the expansion of the current Western Division Serial Inebriate Pilot Program/Dual Diagnosis programs into the downtown area;
- 2)Continue to collaborate with the Housing Commission, County and nonprofit community to expand services for the growing senior homeless population;
- 3)Continue to collaborate with the Housing Commission, County and nonprofit community to further develop long term strategies to address homelessness in the community;
- 4)Continue to collaboratively pursue funds from state/federal agencies and private partners; and
- 5)Establish a subcommittee working group to monitor the recent plans by the General Services Administration (GSA) to acquire and demolish three downtown single room occupancy (SRO) hotels that provide approximately 398 units and work with GSA to identify ways to mitigate the impact of these plans.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS
RESOLUTIONS:

ITEM-205: Two actions related to 38th and Redwood Streets Burn Site Property Acquisition.

(City Heights Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2001-1129 Cor. Copy 2)

Authorizing the City Manager to acquire interests in the properties located at 3084, 3090, 3103, 3108 and 3114 38th Street to prevent and/or limit any future contact with burn ash on the sites;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$690,000 from CIP-32-010.0 for property rights and related costs for the 38th and Redwood Streets property acquisition, including an amount not to exceed \$110,000 for compensation for loss of use.

Subitem-B: (R-2001-1132)

Certifying that Negative Declaration LDR-40-0912 has been completed in compliance

with the California Environmental Quality Act of 1970, as amended, and the State guidelines thereto, that the declaration reflects the independent judgement of the City of San Diego as Lead Agency and that the information contained in the declaration, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of the 38th and Redwood Streets property acquisition.

CITY MANAGER SUPPORTING INFORMATION:

Historic records indicate that a burn dump was operated prior to 1938 in the vicinity of 38th and Redwood Streets. This action is recommending the potential purchase of five (5) properties located at 3108, 3114, 3103, 3084 and 3090 38th Street to effectively remove contaminated burn ash on these properties to a depth of three (3) feet. Residual burn ash from around these properties was recently removed by the U.S. Environmental Protection Agency to eliminate the threat of exposure to elevated levels of lead in the soils within the top three (3) feet of their yards. During this removal action burn ash and potentially elevated levels of lead were found projecting under the foundation and walkways of some homes. Although the burn ash poses no health risk if it remains covered and undisturbed, the potential for future contact with the burn ash by homeowners and contractors (maintenance, repairs and replacement work) is potentially significant due to the burn ash directly under the structures.

Purchase of these properties will allow the future demolition of the homes, if desired, and thus, the complete removal of all burn ash within three (3) feet of the surface.

FISCAL IMPACT:

Funds in the amount of \$800,000 are available from CIP-32-010.0 (Annual Allocation Unclassified Disposal Sites) for acquisition and related expenses.

Herring/Griffith/BLM

Aud. Cert. 2100846.

**ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS
RESOLUTIONS:**

ITEM-206: Annual Allocation - Emergency and Accelerated Projects Funding.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1116)

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$4,000,000 within Fund No. 41506, from CIP-46-215.0, Annual Allocation - Infrastructure Upgrade and Replacement, to CIP-46-206.0, Annual Allocation -

Emergency and Accelerated Projects, to provide additional funding for projects as a result of revised costs estimates.

CITY MANAGER SUPPORTING INFORMATION:

There is no change in the overall budget as a result of the proposed action. This action simply transfers funds, for accounting purposes, from one CIP to another. In FY2001 Budget, the Annual Allocation - Emergency & Accelerated Construction was funded at approximately \$2.6 million. This action will increase the authorized funding to \$6.6 million.

To date, the following 28 projects with a total estimated cost of approximately \$6.4 million have been identified:

<u>Project</u>	<u>Cost</u>
Hensley Street	\$ 17,000
University Ave. And Alamo Dr.	18,700
32 nd and Thorn St.	32,250
Morena Blvd. Rehab	19,012
Macouba Place	157,190
Archer Street	9,750
Pump Station #50 Force Main	58,400
University & Alamo	8,000
Hensley Street	20,000
Pump Station #50 Force Main	50,000
Sevan Court	1,190,535
Santa Clara	116,287
No. Harbor Drive	52,250
Cape May Avenue/Cape May Place	194,841
Bayside Walk/Ostend Court	41,000
Santa Clara	116,287
Hillcrest & Mission Hills	55,500
Hensley Street	895,322
Fairmount Avenue Trunk Sewer	28,000
1755 Archer St.	135,250
South 28 th Street @ Harbor Drive	141,750
University Ave. & Alamo Drive	147,000
Archer Street	104,250
University Ave. & Alamo Drive	15,982
4 th Avenue/West Washington Sewer	784,746
Manning Street	119,500
Sewer Replacement A-2	1,545,134
Morena Blvd. Sluice Gate	296,000

FISCAL IMPACT:

The funding source of \$4,000,000 for this action is available in Fund 41506, CIP-46-215.0, Annual Allocation - Infrastructure Upgrade and Replacement.

Loveland/Schlesinger/WJH

Aud. Cert. 2100839.

**ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS
RESOLUTIONS:**

ITEM-207: City of San Diego's Application for a Five Year Extension to the California Technology, Trade and Commerce for the Metropolitan Enterprise Zone Five-Year Extension Application.

(Barrio Logan, Centre City East, East Village, Logan Heights, Sherman Heights, Grant Hill, Stockton, Gateway, Mt. Hope, Mountain View, Southcrest, and Valencia Park Community Areas. Districts-2, 4, 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1185)

Authorizing and directing the City Manager to file an application for the five year extension of the Metropolitan Enterprise Zone with the State Technology, Trade and Commerce Agency in accordance with the procedure and regulations promulgated by the State Technology, Trade and Commerce Agency under the Enterprise Zone Act (Cal. Government Code 7074);

Declaring that the City Manager finds that the Metropolitan Enterprise Zone is in a depressed area and the extension of the designation of the area as an Enterprise Zone is necessary in order to continue attracting private sector investment to the application area;

Declaring that the City Manager agrees to complete all actions stated within the extension application, which apply to its jurisdiction should the Metropolitan Enterprise Zone be awarded an extension;

Authorizing the City Manager to direct staff to offer all incentives available as indicated in the updated Economic Development Plan for the Metropolitan Enterprise Zone.

CITY MANAGER SUPPORTING INFORMATION:

An Enterprise Zone is a defined geographic area in which companies doing business within an Enterprise Zone can claim significant state income tax credits for qualifying employees and expenditures. Enterprise Zones were created in California to stimulate business investments in areas where investment has lagged and to make jobs available in areas of high unemployment.

The state of California has designated 39 Enterprise Zones, two are in the City of San Diego: the Metropolitan Enterprise Zone, designated in October 1986; and the San Ysidro/Otay Mesa Enterprise Zone, designated in January 1992.

Each Enterprise Zone designation is for 15 years. In 1998, Assembly Bill 2798 authorized the California Trade and Commerce Agency (Agency) to extend the life of any Enterprise Zone designated prior to 1990 for an additional five years, to a total of 20 years. This extension is contingent on the Zones passing an audit conducted by the Agency and submitting an acceptable economic development plan. The nineteen Enterprise Zones designated before 1990 are eligible to request a five-year extension of their Zone. Since the inception of the City's Enterprise Zone Program in 1986, over \$100 million in private sector capital investments have been made within the two Enterprise Zones. These capital investments in private property were made to redevelop existing commercial and industrial facilities and to develop new facilities. More than 5,000 low-income and unemployed people have been placed in jobs within the City's Enterprise Zones; more than half of these jobs went to residents of the two Enterprise Zones.

A five year extension of the program will allow for the completion of current projects and new projects proposed in the Zone in addition to maximizing expansion opportunities for the Zone. Job creation opportunities for these projects is estimated to be at least 4,000 new jobs within the next 2-3 years.

FISCAL IMPACT:

None. The expansion costs should be absorbed by the existing Enterprise Zone budget.

Herring/Cunningham/LM

**ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS
RESOLUTIONS:**

ITEM-208: Brown and Caldwell, As-Needed Engineering 2000-2003.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1167)

Authorizing the City Manager to execute an amendment to the agreement of May 1, 2000, with Brown & Caldwell, for as-needed engineering consultant services through 2003;

Authorizing the expenditure of an amount not to exceed \$2,000,000 from Fund Number 41506 to provide funds for the Amendment No. 1, to be expended in Water and Wastewater CIP projects under Fund Numbers 41500, 41506, 41508, and 41509;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to reallocate appropriation and costs for the above engineering consultant services to those CIP projects where costs are incurred.

CITY MANAGER SUPPORTING INFORMATION:

The original agreement between the City and Brown and Caldwell for As-Needed Engineering Services 2000-2003 was adopted on May 1, 2000, via Resolution No. R-293062. Said agreement was issued for an amount not to exceed \$2,000,000 and a 36-month duration. The City expended approximately \$800k or 40% of the base funds in the first 6 months of the agreement due to MWWDD support requirements.

Amendment No. 1 is requested to increase the not to exceed agreement value by \$2,000,000 to \$4,000,000 due to immediate and near term engineering services required by MWWDD including, but not limited to:

- ! Muni System Planning and Predesign efforts associated with the goal of reducing sewage spills over the next six years
- ! Pump Station 65 5th pump addition
- ! Pump Station 77 Force main inspection/rehabilitation
- ! Pump Station 1 and 2 modifications/upgrades (includes several projects)

It is anticipated that this amendment will provide adequate funding for the remainder of the duration of the Agreement (September 2003).

MBE/WBE Utilization:

In keeping with the City's policy to voluntarily provide subcontracting opportunities to all interested and qualified firms, including minorities and women, Brown and Caldwell has retained the following subconsultants as members of their engineering consultant team in connection with this project:

Certified Subconsultants

MBE - Simon Wong Engineering
MBE - Estrada Land Planning
MBE - O'Rourke Engineering
MBE - Ninyo & Moore
WBE- Lindvedt-McColl Surveying
MBE - Roesling Nakamura

Other Subconsultants

DeC Corrosion Consultants

Due to the nature of As-Needed projects, the percentage utilization of MBE/WBE subconsultants is dependent upon the tasks authorized by the City and the type of work required by those tasks.

FISCAL IMPACT:

The total authorized to expend is \$2,000,000 for the current fiscal year, for a combined total authorized to expend for FY 2000-2003 of \$4,000,000.

Loveland/Schlesinger/WBP

Aud. Cert. 2100886.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS
RESOLUTIONS:

ITEM-209: Construction Management Services Agreement for Miramar Water Treatment Plant Upgrade and Expansion Project.

(Scripps Miramar Ranch and Miramar Ranch North Community Areas. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1084)

Authorizing the City Manager to execute a phase funded agreement with Montgomery Watson Americas, Inc. for construction management services;

Authorizing the expenditure of an amount not to exceed \$10,386,078 from Water Revenue Fund 41500, CIP-73-284.0, Miramar WTP Upgrade and Expansion, provided that the City Auditor first furnishes one or more certificates demonstrating that the funds necessary for expenditure under established contract funding phases are, or will be, on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

As part of the Strategic Plan for Water Supply approved by the City Council in August 1997, Miramar Water Treatment Plant (WTP) will be expanded to increase the capacity of the plant from 140 million gallon per day (MGD) to 215 MGD to meet current and future demand of its service area. In addition to increasing plant capacity, this project will upgrade the majority of the treatment unit processes to allow for improved operation and maintenance, and to meet the new drinking water quality standards set by the U.S. Environmental Protection Agency. Following an extensive selection and interview process, Montgomery Watson Americas, Inc. (MW) was selected from among six firms to provide construction management services for the Miramar WTP Project. City staff believes MW has the necessary expertise, technical skill and experience to successfully provide effective construction management services for this project. The construction will be conducted in

four separate contracts which will include yard piping, pump station improvements, improvements to the Miramar Lake recreation area, a new deaeration basin, new filters, new flocculation/sedimentation basins, new chemical feed system, ozone system, and rehabilitation of various existing facilities at Miramar WTP. The first construction contract associated with the upgrade and expansion of Miramar WTP is scheduled to begin June 2001. Total WTP improvements construction cost is estimated at \$135 million.

FISCAL IMPACT:

Funding for the total amount of this request, \$10,386,078 is available in Water Revenue Fund 41500, CIP-73-284.0, Miramar WTP Upgrade and Expansion. The agreement is anticipated to be phase funded in four phases.

Loveland/Gardner/NK

Aud. Cert. 2100900.

PUBLIC NOTICES:

Items are listed under Public Notice as a matter of public record only. These items do not require Council action.

ITEM-250: Notice of Completion and Acceptance of Subdivision Improvement Agreement.

Notice is hereby given that the City Manager of the City of San Diego intends to file a "Notice of Completion and Acceptance of Subdivision Improvement Agreement" indicating that the improvements included in the Subdivision Improvement Agreement have been satisfactorily completed for the following subdivisions:

SUBDIVISION

Villas de Derby Downs

Carmel Valley Neighborhood 1, Unit 16B

COMMUNITY AREA

Carmel Valley

Carmel Valley

The certification shall be recorded 15 days after the date this notice appears on the Council Docket or shortly thereafter. If any person wishes to object to the filing of this notice, such person should communicate the objection on or before that date to the Director or Planning and Development Review or to the Subdivision Engineer, City Operations Building, 1222 First Avenue (MS 507), San Diego, CA 92101.

PUBLIC NOTICES:

Items are listed under Public Notice as a matter of public record only. These items do not require Council action.

ITEM-251: Settlement of the Personal Injury Claim of Teresa Riley.

(R-2001-1123)

Adopted as Resolution R-294553.

A Resolution approved by the City Council in Closed Session on Tuesday, February 13, 2001, by the following vote: Peters-yea; Wear-yea; Atkins-yea; Stevens-yea; Maienschein-yea; District 6-Vacant; Madaffer-yea; District 8-Vacant; Mayor-yea.

Authorizing the City Manager to pay the total sum of \$10,000 in the settlement of each and every claim against the City, its agents and employees, resulting from the personal injury to Teresa Riley which occurred on October 20, 1999;

Authorizing the City Auditor and Comptroller to issue one check in the total amount of \$10,000, made payable to Teresa Riley and her attorney Marcy E. Kaye, in full settlement of the lawsuit and all claims.

Aud. Cert. 2100840.

NOTE: This item is placed on a Council docket, so that the official and public record will reflect the adoption of this Resolution. It does not require any further Council action.

PUBLIC NOTICES:

Items are listed under Public Notice as a matter of public record only. These items do not require Council action.

ITEM-252: Settlement of the Personal Injury Claim of Alejandro De Miranda.

(R-2001-953)

Adopted as Resolution R-294314.

A Resolution approved by the City Council in Closed Session on Tuesday, December 5, 2000, by the following vote: Peters-yea; Wear-yea; Atkins-yea; Stevens-yea; Maienschein-yea; Stallings-yea; Madaffer-yea; District 8-vacant; Mayor-yea.

Authorizing the City Manager to pay the total sum of \$38,000 in the settlement of each and every claim against the City, its agents and employees, resulting from the personal injury claim of Alejandro De Miranda;

Authorizing the City Auditor and Comptroller to issue one check in the total amount of \$38,000 made payable to Alejandro De Miranda and Raymond M. Contreras, his attorney of record, as the complete and final settlement of the personal injury which occurred on March 5, 1999.

Aud. Cert. 2100626.

NOTE: This item is placed on a Council docket, so that the official and public record will reflect the adoption of this Resolution. It does not require any further Council action.

ITEMS PULLED FROM CONSENT AGENDA

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT